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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/510,857	02/23/2000	David A Bryniarski	PCOS:052	3770

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EXAMINER

RUDDOCK, ULA CORINNA

ART UNIT	PAPER NUMBER
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1771

DATE MAILED: 05/07/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/510,857

Applicant(s)

David A. Bryniarski

Examiner

Ula Corinna Ruddock

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Mar 31, 2003
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-26 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on March 31, 2003, has been entered.
2. The Examiner has carefully considered Applicant's arguments filed March 31, 2003. The rejection in view of Rogosch et al. (US 3,616,130) has been overcome.
3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

4. Claims 13-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thibodeau (US 4,285,998) in view of Craig (US 4,348,445). Thibodeau discloses a reinforced thermoplastic lightweight film sheet in which a lightweight plastic net product is freely sandwiched between at least two layers of lightweight thermoplastic film. Thibodeau's material is used in the bagging industry (col 1, ln 10-20). The net is freely movable with respect to the film layers except along selected strips where at least the plastic film layers are bonded together fixedly securing the net

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therebetween (abstract). In one embodiment, low density polyethylene film sheets sandwich a polypropylene net. The net is a rectangular mesh in which the strands meet at substantially right angles. The film and net are bonded together by the heat (col 2, ln 66-68 to col 3, ln 1-9).

Thibodeau fails to specifically disclose that the seal netting strand has a wider cross-section than the standard netting strands and that the seal netting strand has a shallower cross-section than the standard netting strands. Thibodeau also fails to specifically teach that the seal netting strands have a width greater than or equal to about 60 mils and that the standard netting strands have a width greater than or equal to about 5 mils.

Craig (US 4,348,445) disclose a reinforced film of a combination of thermoplastic netting an oriented film. Craig's reinforced film is used in the bagging and packaging industry (col 2, ln 24-27). Craig's reinforced film comprises a polyolefin film and polypropylene netting material (col 2, ln 39-46). Craig discloses that when two layers of oriented netting are employed, each netting layer has main filaments in one direction and smaller connecting filaments in the opposite direction (col 1, ln 55-58). It should be noted that the Examiner is equating Craig's disclosure of main filaments to be the same as Applicant's seal netting strands and Craig's disclosure of smaller connecting filaments to Applicant's standard netting strands. Therefore, it would have been obvious to one having ordinary skill in the art to have used Craig's teaching of different-sized filaments in the netting

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material of Thibodeau, motivated by the desire to create a bagging material that has increased tear resistance.


With regard to claims 19, 20, 25, and 26, it should be noted that optimizing strand width is a result effective variable. The wider a netting strand directly affects the strength in that strand direction. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have made the netting strands at the seal area have a width of greater than 60 mils, the non-seal areas have a width greater than 5 mils, since it has been held that discovering an optimum value of a result effective variable involves only routine skill in the art. *In re Boesch*, 617 F.2d 272, 205 USPQ 215 (CCPA 1980). In the present invention, one of ordinary skill would have optimized the widths of the seal areas and non-seal areas, motivated by the desire to obtain a more durable plastic sheet with dimensional stability.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ula C. Ruddock whose telephone number is (703) 305-0066. The Examiner can normally be reached Monday through Thursday from 6:30 AM to 5 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor Terrel Morris can be reached at (703) 308-2414.

Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 308-2351.

Ula C. Ruddock 
Patent Examiner
Art Unit 1771
May 5, 2003

